

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF THE STATE OF OHIO**

**IN RE:**

**First Cincinnati Incorporated,**

**DEBTOR**

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)  
)  
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**Case No. 01-17629**

**(Chapter 7)**

**APPLICATION FOR ORDER DIRECTING PAYMENT  
OF FUNDS TO CREDITOR/CLAIMANT PURSUANT TO  
11 U.S.C. SECTION 347 AND 28 U.S.C. SECTIONS 2041 ET. SEQ.**

IBM Corporation (the "Claimant") a claimant in the captioned case respectfully requests as follows:

1. Claimant was a creditor of the Debtor and was due to receive and the trustee did, in fact, make a distribution from the estate to the Claimant in the amount of approximately \$5,354.26. The Claimant was not located and the funds of the Claimant were paid into the Court pursuant to 11 U.S.C. § 347.

2. Pursuant to 11 U.S.C. § 347 and chapter 129 of title 28, United States Code, the Claimant requests that the Court issue an order directing payment to the Claimant and that payment be made in care of the party set forth below.

WHEREFORE, Claimant requests that the Court issue an order directing payment of all funds held by the Court for the Claimant in this case and for such further and other relief as is just and appropriate.

IBM Corporation

By: /s/ Greg Griffith  
Greg Griffith  
American Property Locators, Inc.  
Attorney-in-fact  
3855 South Boulevard, Suite 200  
Edmond, OK 73013  
(405) 340-4900

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

IN RE:  
First Cincinnati Incorporated,  
DEBTOR(S)

)  
Case No. 01-17629  
) (Chapter 7)  
)  
)

**NOTICE OF APPLICATION FOR ORDER DIRECTING PAYMENT OF FUNDS TO  
CREDITOR/CLAIMANT PURSUANT TO 11 U.S.C. § 347 AND 28 U.S.C. § 2041 ET. SEQ.**

**TAKE NOTICE** that the undersigned has filed an Application for Order Directing Payment of Funds to Creditor/Claimant Pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2041 Et. Seq. with the Court. A copy of this application accompanies this Notice.

If you do not want the Court to grant the relief requested in this application, or if you want the Court to consider your views on this application, then within twenty (20) days after the date set forth below you or your attorney must file with the Court a response to the application at:

Clerk, United States Bankruptcy Court  
**SOUTHERN DISTRICT OF OHIO**  
221 East 4th Street, Suite 800  
Cincinnati, OH 45202

If you mail your response to the application to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above. You must also mail a copy of your response to the application to:

Greg Griffith  
American Property Locators, Inc.  
3855 South Boulevard, Suite 200  
Edmond, OK 73013

**PLEASE TAKE FURTHER NOTICE**, pursuant to the Local Rules of this Court, failure of any person or entity receiving notice of the Application to file objections thereto on a timely basis shall be a bar to the assertion of an objection to the entry by the Court of the proposed Order, as same may be modified, and the within Motion shall be deemed uncontested.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Local Rules of this Court,

IBM Corporation hereby requests oral argument, if the within Motion is opposed.

Respectfully submitted,

IBM Corporation

By: /s/ Greg Griffith  
Greg Griffith  
American Property Locators, Inc.  
Attorney-in-fact  
3855 South Boulevard, Suite 200  
Edmond, OK 73013  
(405) 340-4900

Dated: March 1, 2010

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Notice of Application for Order Directing Payment of Funds to Creditor/Claimant Pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2041Et. Seq. was served upon the parties listed below by depositing a copy of the same, enclosed in a first-class postpaid envelope, properly addressed to these parties, in a post office or official depository under the exclusive care and custody of the U.S. Postal Service on March 1, 2010.

By: /s/ Greg Griffith

### SERVICE LIST

#### First Cincinnati Incorporated, CASE NO. 01-17629

United States Attorney  
Attn: Civil Process Clerk  
221 East 4th Street, Suite 400  
Cincinnati, OH 45202

Office of the U.S. Trustee  
36 East Seventh Street  
Suite 2050  
Cincinnati, OH 45202

Case Trustee  
Mark A. Greenberger  
105 East Fourth Street  
Suite 400  
Cincinnati, OH 45202

Debtor's Counsel  
Richard D Nelson  
250 E Fifth St  
Suite 1200  
Cincinnati, OH 45202-4139

Debtor  
First Cincinnati Incorporated  
625 Eden Park Drive  
Suite 1250  
Cincinnati, OH 45202

**LIMITED POWER OF ATTORNEY**  
**LIMITED TO ONE TRANSACTION ONLY**

IBM Corporation, ("Principal") executes this Limited Power of Attorney with the intention that the attorney-in-fact named below shall be able to act in his\her place for the purposes and duration set forth below.

Principal appoints Greg Griffith of American Property Locators, Inc., 3855 South Boulevard, Suite 200, Edmond, OK 73013 to be his\her attorney-in-fact to act for him\her in his\her name and place, and in any capacity that Principal might act,

**Only to recover cash or cash equivalents arising from the bankruptcy of First Cincinnati Incorporated in the amount of \$5,354.26, that belong to the Principal,**

and may be paid to the Principal after compliance with procedures of applicable laws (the "Unclaimed Funds").

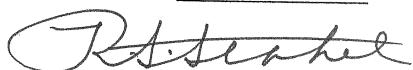
This Limited Power of Attorney shall become effective on the date written below, and shall remain effective, for one year from such date or until the Unclaimed Funds are claimed and remitted to Principal, whichever is sooner.

Principal's attorney-in-fact shall have all of the powers, discretions, elections, and authorities granted by law (including the endorsement of any instrument of payment on behalf of Principal) in connection with the claim, execution, acknowledgment, and delivery of any and all documents necessary or connected with claiming and recovering for Principal the Unclaimed Funds. Principal authorizes the use of a photocopy of this Limited Power of Attorney, for any purpose, in lieu of the original.

DATED this 24<sup>th</sup> day of FEBRUARY, 2010

**PRINCIPAL:**

IBM Corporation  
Federal ID # 13-0871985

  
By: R. S. STAHEL

**PRINCIPAL'S ADDRESS:**

1503 LBJ Freeway-3rd Floor  
Dallas, TX 75234-6059  
(972) 561-6438

Title: ASSISTANT TO REGIONAL COUNSEL

**ACKNOWLEDGMENT**

STATE OF TEXAS)

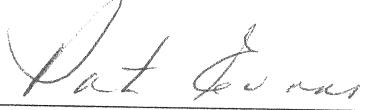
COUNTY OF DALLAS)

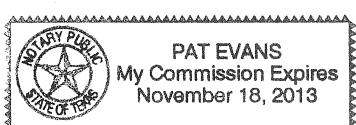
Before me a Notary Public, in and for said County and State on this 24<sup>th</sup> day of FEBRUARY, 2010, personally appeared R. S. STAHEL to me known to me to be the identical person who subscribed his/her name to the foregoing instrument as its ASSISTANT TO REGIONAL COUNSEL (title), and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed of such corporation, for the purposes therein set forth.

In Witness Whereof, I have hereunto set my official signature and affixed my official seal the day and year first above written.

My Commission Expires:

Nov. 18, 2013

  
Notary Public





**Shepheard Stahel**  
Assistant to Regional  
Counsel  
IBM Americas

1503 LBJ Frey, 3rd Fl  
Dallas, TX 75234  
Tel 972 561 6438  
Fax 972 561 6487  
[sstahel@us.ibm.com](mailto:sstahel@us.ibm.com)

# Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

<b>Print or type See Specific Instructions on page 2.</b>	Name (as shown on your income tax return) <b>INTERNATIONAL BUSINESS MACHINES CORPORATION</b>	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ► ..... <input type="checkbox"/> Other (see instructions) ►	
	Address (number, street, and apt. or suite no.) <b>NORTH CASTLE DRIVE (c/o CHQ Tax Dept.)</b> City, state, and ZIP code <b>ARMONK, NY 10504</b>	
	List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

**13-0871985**

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign  
Here**

Signature of  
U.S. person ►

Date ► **1/7/2009**

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,